

Exhibit 9

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK
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3 MOSES STRAUSS, et al.,
4 Plaintiffs,
5 - against -

6 CREDIT LYONNAIS, S.A.,
7 Defendants.

8 CASE NO.: 06-702(DGT)(MDG)
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9 BERNICE WOLF, et al.,

10 Plaintiffs,
11 - against -

12 CREDIT LYONNAIS, S.A.,
13 Defendants.

14 CASE NO.: 07-914(DGT)(MDG)
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15 One Liberty Plaza
16 New York, New York

17 August 12, 2010
18 9:45 a.m.

19 CONTINUED VIDEOTAPED DEPOSITION of Expert
20 Witness, ARIEH SPITZEN, before Melissa Gilmore,
21 a Notary Public of the State of New York.

22
23 ELLEN GRAUER COURT REPORTING CO. LLC
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15 ALSO PRESENT:

16 RUTH KOHN, Official Hebrew Interpreter

17 MEIR TURNER, Check Interpreter

18 CLARA M. BEYLER, Check Interpreter

19 DAN MACOM, Videographer

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1 Spitzen

2 A. Here, too, it's very problematic to
3 answer. It's hard for me to answer this
4 question.

5 Q. Can you not answer the question? Do
6 you understand the question?

7 MR. GLATTER: Is the question do you
8 not understand it or --

9 Q. You understand the question, right?

10 A. Yes, I understand the question, but
11 it's hard to answer it because it's very
12 complex.

13 Q. It's too complex for you to answer?

14 MR. GLATTER: Object to the form of
15 the question.

16 A. It's hard for me to answer because
17 the formulation is complicated for me. I was
18 asked about all the decisions.

19 Q. Well, my question is that if a
20 person that you allege to be a member of Hamas
21 works at a nursery school run by one of the 13
22 entities, when they make a decision, how do you
23 determine if that decision is being made based
24 on their role at one of the 13 entities or if
25 it's being made based on their alleged role at

1 Spitzen

2 Hamas?

3 MR. GLATTER: I object to the form
4 of the question. Mr. Luft, if you would
5 like, I will expand on the basis for my
6 objection.

7 MR. LUFT: I don't want you to
8 expand.

9 MR. GLATTER: For purposes of
10 clarity, if at any point you would like me
11 to expand, I will assume you will let me
12 know.

13 MR. LUFT: I will.

14 MR. GLATTER: Thank you. You may
15 answer.

16 A. Again, I'm repeating. Depends what
17 decision you are talking about. For example,
18 whether the children should go out for a recess
19 at 10 o'clock, is this a Hamas decision? That
20 I don't know.

21 Q. Could it be a Hamas decision whether
22 they go to recess at 10 o'clock?

23 MR. GLATTER: Object to the form of
24 the question, vague and ambiguous.

25 A. Again, it's hard -- I can't answer

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2 such a question.

3 Q. Why not? Why can't you answer?

4 MR. GLATTER: Same objection.

5 A. Because the question is formulated
6 in such a way that it sounds as if this entity
7 is an entity separate from the Hamas, not
8 belonging to the Hamas. I didn't say such a
9 thing.

10 Q. I'm talking about someone who worked
11 at a nursery school at one of the 13 entities
12 that we are discussing. If you would like we
13 can choose any one of them to use in the place
14 and my -- and that's the context that I'm
15 asking. That's the type of entity that we are
16 discussing, as I thought has been clear, but if
17 it hasn't, that's what I'm talking about.

18 So you can choose which one of the
19 13 entities, and it's a nursery school run by
20 one of those 13 entities, a person who works
21 there that you allege is a member of Hamas
22 makes a decision as part of their work at the
23 nursery school, and I want to know how you
24 determine if that is a decision they are making
25 as a member of Hamas or if that is a decision

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2 that they are making as an employee of one of
3 the 13 entities?

4 MR. GLATTER: I object to the
5 question on the grounds of form. The
6 question is vague, ambiguous, compound and
7 confusing, as well as lack of foundation
8 and misstating prior testimony and
9 Mr. Spitzen's expert report. You may
10 answer the question.

11 A. Again, it's very problematic because
12 this question is very hypothetical. I can make
13 an assumption that is as hypothetical as the
14 question is. I can assume that if Ahmed Yassin
15 runs a nursery school --

16 THE WITNESS: No nursery school.
17 Runs the -- (In English.)

18 THE INTERPRETER: Sorry.

19 A. If Ahmed Yassin heads the al-Mujama,
20 then the nursery school decisions that are
21 taken are decisions made by him and the head of
22 the Hamas and the head of the entity.

23 MS. BEYLER: The type of education.

24 THE INTERPRETER: Okay.

25 A. I assume that Ahmed Yassin, who is

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2 head of the Hamas and he was at that time also
3 the head of the Mujama, he is the one who makes
4 the decisions or made the decision -- decisions
5 regarding the content, regarding -- regarding
6 the content that those schools and those
7 nursery schools will teach the children and
8 pass over to the children.

9 I cannot be sure whether he will be
10 in charge of their schedule when they will go
11 out for recess and when they will not.

12 Q. Mr. Spitzen, my question to you is
13 how -- how -- let me strike that.

14 Mr. Spitzen, did you, in doing your
15 analysis, endeavor to try to determine which
16 decisions and actions taken by the 13 entities
17 were taken and made by individuals because of
18 their roles at the 13 entities or because of
19 their alleged roles at Hamas?

20 MR. GLATTER: Objection as to form
21 and foundation.

22 A. No, this was not the method or the
23 way of my research.

24 Q. And Mr. Spitzen, did -- did you, in
25 conducting your analysis to offer these expert

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Spitzen

opinions, endeavor to try to determine whether an individual, who you allege to be a member of Hamas and to have either been a volunteer or employee of one of the 13 entities, whether their actions were done because they were acting on behalf of Hamas or because they were acting on behalf of one of the 13 entities?

MR. GLATTER: Same objection.

A. Again, this is not the way I was working. Your basic assumption in this question is that these associations are one thing and the Hamas is another thing. I determine in my expert opinion, and I insist on it, that these entities are part of the infrastructure of Hamas.

Q. Mr. Spitzen, is it your expert opinion that there is no -- no distinguishment between the 13 entities and Hamas?

MR. GLATTER: You can answer.

A. Yes, and I'm also saying it at the end of each of the sections, that these associations are part of the civilian infrastructure of the Hamas.

MR. TURNER: I think it was